

**Statement by
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Submitted for the Record

**Senate Committee on Commerce
Science, and Transportation**

**Hearing on the Safety Implications of the
NAFTA Arbitration Panel Decision**

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AAA submits the following statement for the record to convey our views on the safety implications of opening the U.S. border to commercial trucks from Mexico.

As the largest association in America dedicated to the safety of the traveling public, AAA is acutely aware of the need to ensure the safest possible operation of commercial motor vehicles. AAA members consistently rate driving with large trucks as one of their greatest fears. Opening the border and adding trucks from Mexico to the mix of vehicles traveling the nation's roads will only intensify motorists' concerns.

While NAFTA requires that the border be open to ensure the smooth flow of traffic between both countries, the treaty also requires that trucks from Mexico meet all U.S. safety standards. To achieve that goal, the Administration and Congress must work together to ensure that all safety measures are in place and the processes and systems to monitor and enforce commercial traffic from Mexico are fully functioning.

In formal comments filed in response to the Department of Transportation's proposed rulemaking on NAFTA implementation, AAA expressed concern that the safety oversight plan unveiled by FMCSA falls short of providing motorists with necessary assurances to permit the opening of the border as the agency proposes. Motorists cannot accept a proposal that could allow carriers from Mexico to traverse U.S. roadways for up to 18 months before undergoing a safety audit. More intensive

discussions and work must occur with representatives of both governments, enforcement authorities, and industry officials before the border is ready to be safely opened.

What do we know about the carriers, vehicles and drivers from Mexico who will make application to cross the border?

The answer is: very little. Until recently there have been few safety regulations placed on industry in Mexico, and the infrastructure to capture data is in an infant stage. In addition, we do not know the extent to which companies from Mexico will apply to cross the border or the types of operations and vehicles that will make such crossings. Vehicles and drivers currently traveling from Mexico to U.S. commercial zones are not necessarily indicative of the type of operations that may engage in long haul travel to the U.S. once the border is open.

Safety Audits Should Occur Before Trucks Cross The Border

AAA supports the Commercial Vehicle Safety Alliance's recommendation that the safety inspection process should begin before trucks cross the border, with carrier audits being done even earlier. U.S. enforcement officials should be permitted to inspect truck company base operations in Mexico, a practice that is already followed with Canadian companies. These visits should include the evaluation of company safety management practices, knowledge of and compliance with U.S. regulations, vehicle inspections, and education of drivers, dispatchers, mechanics and management.

Because U.S. enforcement authorities have had many years of experience with Canada, the database and knowledge of the Canadian trucking industry has developed over time. There is uniformity and reciprocity between Canada and the U.S. on enforcement standards and procedures. A similar relationship with Mexico is evolving, which is the goal of NAFTA.

Under current CVSA practice, when a truck operating in the U.S. undergoes and passes an inspection, a three-month sticker is issued. Many (but not all) truck inspectors honor this sticker during its three-month period of validity and do not re-inspect the vehicle. As a minimum, trucks from Mexico that wish to enter the U.S. should be required to display a valid CVSA inspection sticker. If a truck does not have one, it should undergo the most rigorous CVSA (or equivalent) inspection immediately upon crossing the border. If it fails inspection, it should be either repaired on the spot and reinspected, or prevented from crossing the border until defects have been repaired.

AAA is confident that Mexican authorities expect no less of their companies and drivers than to adhere to practices already followed by U.S. and Canadian companies. Many firms operating in Mexico maintain high safety standards for their trucks and drivers. AAA's concern is that the highest safety standards be applied to all trucks and drivers operating in the U.S. regardless of where they are domiciled.

Licensing Issues

AAA is also concerned that drivers from Mexico may not be licensed to U.S. standards, and in some cases testing procedures may fall woefully short. The databases of both countries need to be synchronized so that enforcement authorities for both countries can easily check driver records. AAA has encouraged FMCSA to work closely with representatives of the American Association of Motor Vehicle Administrators (AAMVA) and CVSA to ensure that proper licensing procedures are in place and enforceable.

Insurance Concerns Must Be Addressed

Issues of insurance must also be addressed and steps taken to ensure that every vehicle in every fleet is adequately insured if it is operated in the U.S. Drivers must be required to carry an insurance document that is unique to their particular vehicle. Uninsured vehicles and drivers pose a threat to the economic well being of other road users and drive up the cost of insurance for everyone.

Weight Issues

AAA is very concerned about the safety and infrastructure impacts of increasing the size and weight of trucks. Effective enforcement of current weight limitations is essential, and AAA has vigorously opposed efforts in Congress that would seek to increase the weight of trucks beyond currently allowed levels. Opening the border to trucks from Mexico may result in pressure to raise sizes and weights to Mexican (and/or Canadian) limits. AAA believes trucks should be weighed at the border before entering the U.S. to ensure that U.S. weight limits are enforced.

Sufficient Resources Necessary To Monitor The Border

Much work remains to be done at major border crossings before we can be confident that the U.S. is prepared to handle the increased flow of commercial traffic across the border. The Department of Transportation's Inspector General report found a direct correlation between the conditions of trucks from Mexico entering the U.S. and the level of enforcement resources at the border. There are 27 southern border crossings, and AAA believes that every crossing point must have the resources and facilities in place to fully monitor and enforce U.S. safety regulations.

It should also be noted that issues resulting from opening the border are not solely confined to those residents of border states. More trucks from Mexico will place new responsibilities on enforcement authorities *across the country*. That will require additional resources.

Conclusion

To conclude, AAA believes the border should be opened to commercial vehicles from Mexico only when officials on both sides of the border are confident that all safety measures are in place. It is clear we are not ready today, and we are disappointed that these issues have not already been addressed in the intervening years since the adoption of NAFTA. It will take a concerted joint effort by officials from both countries to make it possible, but the safety of the motoring public on both sides of the border must

be the primary concern.